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Decision No. 10643

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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In the Matter of the Application of
B. F. MORRIS and A. E. DOLAN, co-partners,
operating under the firm name of Morris
Draying Company for certificate of public
convenience and necessity to continue the
operations as heretofore carried on as a
common carrier of fruit and vegetables by
auto truck from various orchards and vege-
table ranches located in Happy Valley, Contra
Costa County, also from various orchards and
ranches located in Alameda County and
Santa Clara County, to canneries located in
and around Oakland, Alameda County, service
to be limited to above canneries and during
open season only of each year which is ap-
proximately from May 1st, to November 30th
of each year.

ORIGINAL

) Application No. 7697

Wesley W. Kergan for Applicant
L. N. Bradshaw for Southern Pacific Co.

BY THE COMMISSION,

O P I N I O N

B. F. Morris and A. E. Dolan, a co-partnership doing
business under the firm name of Morris Draying Company, have
petitioned the Railroad Commission for a certificate of public con-
venience and necessity authorizing them to operate an automobile
freight truck line as a common carrier of fruit and vegetables
from various orchards and ranches located in certain specified dis-
tricts in Contra Costa County, Alameda County and Santa Clara
County, California, to canneries located in and around Oakland,
Alameda County. The service proposed, to be operated only during
the season May 1st to November 30th of each year.

A public hearing in the above entitled application was
held before Examiner Eddy on June 12th, 1922, at San Francisco at

which time the matter was submitted and it is now ready for decision.

It appears from evidence introduced by applicants herein that the service as proposed under the present application was originally inaugurated in May 1916, by one F. Joseph. On December 21st, 1918, the business of F. Joseph was transferred to one of the present applicants, namely, B. F. Morris and has been conducted by him continuously since that time.

It appears that fresh fruits and vegetables for canning purposes must move upon very short notice and in as quick a time as possible between farms and orchards and the cannery points. The canneries served by applicant herein have heretofore required and still require that the present service be rendered. Although other carriers operating in the territory proposed to be served by applicants herein were notified of the hearing upon this proceeding, the only appearance was on behalf of the Southern Pacific Company and after a statement by attorney for applicant of the territory proposed to be served by applicants herein, the Southern Pacific Company, through its representative, withdrew as a protestant. Accordingly, the record in this proceeding shows no protest to the application as now before the Commission.

Subsequent to the hearing herein, applicants' attorney filed a written statement in detail of the territory proposed to be served in accordance with a verbal statement made at the hearing. This territory is as follows:

In Contra Costa County, Happy Valley and San Ramon Valley. In Alameda County, all of the County West of the line of hills to the East of the highway running from the City of Oakland to the Town of Mission San Jose. In Santa Clara County, that portion of the County North of San Jose and East of a line drawn from Campbell to Mayfield and South of Mayfield.

The towns and districts in the various counties served by these applicants are as follows:

Contra Costa County: Happy Valley, Lafayette, San Ramon Valley, Walnut Creek, Concord, Danville and Martinez.

Alameda County: San Leandro, San Lorenzo, Hayward, Niles, Decoto, Irvington, Mission San Jose, Warm Springs, Mt. Eden, Alvarado, Newark, Estudillo, Centerville, Arden, Mowry, Niles Canyon, Russell and Milford.

Santa Clara County: Milpitas, Alviso, Agnews, San Jose, Sunnyvale, Mountain View, Los Altos, Lawrence, Cupertino, Campbell, Willows District, Monta Vista, Berryessa, Santa Clara, Mayfield and Wayne Station.

The canneries now using applicants' service located in and adjacent to the City of Oakland are as follows:

H. G. Prince & Company (2 plants)
Thomas Body Co.
H. Jones & Co.
Peterson Packing Co.
California Packing Corporation.
Pacific Coast Canning Company.
Virden Packing Company (2 plants)

In connection with the statement of territory proposed to be served, applicant also submitted a revised schedule of rates in detail, covering all classes of commodities handled by them from orchards and farms to the canneries.

In view of the fact that this service has been rendered to the above named canneries for a considerable period of time and the further fact that there was no protest to the granting of the application as herein applied for, we are of the opinion that a certificate should be issued.

O R D E R

Public hearing having been held in the above entitled proceeding, evidence submitted and the Commission being fully advised,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA
HEREBY DECLARES that public convenience and necessity require the operation by B. F. Morris and A. E. Dolan, co-partners doing business under the firm name of Morris Draying Company of an automobile freight truck line as a common carrier of fresh fruits and vegetables for canning purposes from orchards and ranches

located in territory as specifically described in the opinion preceding this order to the canneries as specifically named in the opinion preceding this order. This service to be rendered from May 1st to November 30th of each year and subject to the following conditions:

1. That applicants B. F. Morris and A. E. Dolan, co-partners doing business under the firm name of Morris Draying Company, shall file within a period of not to exceed ten (10) days their written acceptance of the certificate herein granted and shall file within a period of not to exceed twenty (20) days from date hereof, in duplicate, tariff of rates as contained in the Statement filed by them and dated June 16th, 1922, such tariff of rates to be in accordance with General Order No. 51 of the Railroad Commission.

2. That the rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

3. That no vehicle may be operated by applicants herein unless such vehicle is owned by them or is leased by them under a contract or agreement on a basis satisfactory to the Railroad Commission.

Dated at San Francisco, California, this 11th
day of July, 1922.

H. T. Bondie
Deputy Master

J. T. Penick
Commissioners